REMARKS

This Amendment is in response to the Office Action mailed April 25, 2005. Herein, claims 8, 14-16, and 34-36 have been rejected under 35 U.S.C. §112, second paragraph. In addition, claims 1, 2, 4, 5, 8, 10, 11, 13, 18 and 19 were rejected under 35 U.S.C. §102(e) and claims 6, 12, 20-21, 23-33, 38-41, 43-46, 49, 50, and 52 were rejected under 35 U.S.C. §103(a). Applicant respectfully traverses these rejections in their entirety.

Rejection Under 35 U.S.C. §112

In the Office Action, claims 8, 14-16, and 34-36 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Claim 8 has been cancelled without prejudice. Claim 14 has been revised to correct an informality. However, Applicant respectfully disagrees with the §112 rejection as applied to claim 34 because claim 21 (line 7) features a "server" limitation, and thus, no antecedent basis informality is present.

In view of the foregoing, Applicant respectfully requests withdrawal of the outstanding §112 rejection.

Rejection Under 35 U.S.C. §102

In the Office Action, claims 1, 2, 4, 5, 8, 10, 11, 13, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Kenner (USP 6,003,030). Applicant respectfully disagrees and contends that a *prima facie* case of anticipation has not been established.

As the Examiner is aware, in order to anticipate a claim under §102(e), Kenner must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully traverses the rejection because Kenner does not teach each and every element set forth in pending independent claim 1. For instance, as an example, Kenner does not teach registering information with a service provider, the information including a preferred order of *edge* servers.... *Emphasis added.* The Office Action equates the

mirror delivery sites with the servers as claimed, but these sites appear to be "regional data centers" as identified in FIG. 1A of the subject application. These sites cannot be considered "edge" servers because they do not provide viewing systems (and users) direct access to the Internet.

With respect to claims 2, 4, 5, 8, 10, 11, 13, 18, and 19, based on their dependency on independent claim, these claims are allowable. Hence, no further discussion as to the grounds for traversing the §102(e) rejection is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §102(e) rejection as applied to claims 4, 5, 8, 10, 11, 13, 18, and 19 is respectfully requested.

In light of the foregoing, Applicant respectfully requests the Examiner to reconsider the allowability of the independent claim 1 as well as those claims dependent thereon.

Additionally, claims 21, 23-24, 29-31, 33, 38-39, 41, 43-44 and 49-50 were rejected under 35 U.S.C. §102(e) as being anticipated by Emens (USP 6,606,643). Applicant again respectfully disagrees and contends that a *prima facie* case of anticipation has not been established because, like Kenner, Emens does not teach each and every element set forth in pending independent claims 21 and 41. For instance, Emens does not teach registering information with a service provider, the information including a preferred order of *edge* servers (claim 21) or the receiver to receive information to identify a plurality of edge servers and/or a selector to select the plurality of edge servers. The mirror sites are associated with geographic separation of content locations, and are not associated with "edge" servers that provide viewing systems (and users) access to the Internet.

With respect to claims 23-24, 29-31, 33, 38-39, 43-44 and 49-50, based on their dependency on independent claims 21 and 41, these claims are allowable. Hence, no further discussion as to the grounds for traversing the §102(e) rejection is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §102(e) rejection as applied to claims 23-24, 29-31, 33, 38-39, 43-44 and 49-50 is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Office Action, claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner. Moreover, claim 40 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Emens; claim 40 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Logan (USP 6,578,066); claim 12 has been rejected under 35 U.S.C. §103(a), as being unpatentable over Kenner in view of Logan; claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Kenner2 (USP 5,956,716); claims 26 and 46 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Emens in view of Kenner2; and claims 26 and 46 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Logan in view of Kenner2.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See MPEP §2143, p. 2100-124 (8th Ed., rev. 1, Feb. 2003); See also In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Herein, the combined teachings of the cited references fail to describe or suggest all of the claim limitations, and thus, a *prima facie* case of obviousness has not been established.

Applicant respectfully traverses the Official Notice as applied to claims 20 and 40, but notes that claims 6, 12, 20, 26, 40 and 46, based on their dependency on allowable independent claims, these claims are allowable. Hence, no further discussion as to the grounds for traversing the §103(a) rejection is warranted. Applicant reserves the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 6, 12, 20, 26, 40 and 46 is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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